

DOCKET NO.:

Serial No.: 09/678,953



113918.401PATENT

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
KUBOTA et al.

Serial No.: 09/678,953

Filed: October 3, 2000

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)
) Group Art Unit: 1632

)
) Examiner: Ton, T.
)
)

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Title: METHODS OF ISOLATING BIPOTENT HEPATIC PROGENITOR CELLS

Commissioner for Patents
Washington, D.C. 20231

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

In the Office Action dated October 31, Paper Number 9, the Examiner required restriction under 35 U.S.C. § 121 between the claims of Group I (claims 1-20, 25, and 26,) and the claims of Group II (claims 21-24). Applicants provisionally elect to prosecute Group 1, claims 1-20, 25 and 26 with traverse.

Applicant respectfully submits that an examination of all the claims 1-26 would not be a serious burden on the Examiner. See M.P.E.P. § 803.01. This is particularly so because the Examiner has not provided reasons why the examination of all the claims would be a serious burden. According to the M.P.E.P., the Examiner must provide reasons and/or examples to support conclusions. Yet the Examiner has not provided any reasons that a burden, let alone a serious burden, exists. Applicant therefore respectfully requests that the restriction requirement be withdrawn and that all the claims be examined in this application.

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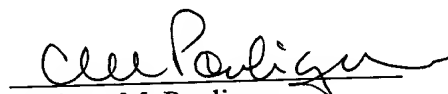
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In the Office Action, group I is defined as "claims 1-20, 26 and 26" and claim 26 is listed twice, while group II includes "claims 21-24." Applicants respectfully believe that Group I includes claim 25 and respectfully elect to prosecute Group 1, claims 1-20, 25 and 26 with traverse.

As this response is filed within the shortened statutory period, no fee for extension of time is believed due. The Commissioner, however, is hereby authorized to charge any fees which may be required for this Response, including fees for extensions of time, or credit any overpayment to Deposit Account No. 50-1710.

November 30, 2001

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